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28 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

29 **FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT**

30 ARIANNA SERNA MAGGIORE, an
31 individual

32 Case No.:

33 Plaintiff,

34 vs.

35 **MGM RESORTS INTERNATIONAL,**
36 **A DELAWARE CORPORATION;**

37 **COMPLAINT FOR DAMAGES**

38 1. NEGLIGENCE – Hotel Defendants;
39 2. NEGLIGENCE – Venue Defendants

1 MANDALAY CORP., A NEVADA
2 CORPORATION;
3 MGM RESORTS FESTIVAL
4 GROUNDS LLC, A NEVADA
5 LIMITED-LIABILITY COMPANY;
6 LIVE NATION ENTERTAINMENT,
7 INC., A CALIFORNIA
8 CORPORATION;
9 LIVE NATION GROUP D/B/A
10 ONENATIONGROUP, LLC, A
11 NEVADA DOMESTIC LIMITED-
12 LIABILITY COMPANY;
13 CONTEMPORARY SERVICES
14 CORPORATION, A CALIFORNIA
15 CORPORATION;
16 ESTATE OF STEPHEN PADDOCK, A
17 NEVADA RESIDENT; AND
18 DOES 1 THROUGH 100, INCLUSIVE,

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Defendants.

3. BATTERY;
4. ASSAULT; and
5. INTENTIONAL INFILCTION OF
EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

COMPLAINT

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COMES NOW Plaintiff ARIANNA SERNA MAGGIORE, by and
through her undersigned Counsel, requests a trial by jury and alleges as follows:

THE PARTIES

1. At all relevant times, Plaintiff ARIANNA SERNA MAGGIORE (“MS.
MAGGIORE”) was an individual residing in the County of Contra Costa, State of
California.

2. At all relevant times, Defendant MGM RESORTS INTERNATIONAL

1 (“MGM”), was a corporation duly licensed and incorporated under the laws of
2 Delaware, and believed to be the owner, co-owner, or manager of certain premises
3 commonly referred to as the Mandalay Bay Resort 17 and Casino Las Vegas
4 (hereinafter “Mandalay Bay”), at 3950 South Las Vegas Blvd, Las Vegas, NV 89119,
5 as well as “Las Vegas Village”, an open-air concert and event venue across from
6 Mandalay Bay consisting of 15 acres of seating area, and a capacity of 40,000 guests.
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10 3. At all relevant times, Defendant MANDALAY CORP. was a
11 corporation with minimum contacts in the State of California, duly licensed and
12 incorporated under the laws of Nevada, and as a subsidiary of Defendant MGM, is
13 believed to be the owner, manager and operator of the Mandalay Bay premises.
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16 4. At all relevant times, Defendant MGM RESORTS FESTIVAL
17 GROUNDS LLC (hereinafter, “MGM RESORTS FESTIVAL”) was a limited
18 liability company with minimum contacts in the State of California, duly licensed
19 and incorporated under the laws of Nevada, and believed to be the owner, co-owner,
20 or manager of certain premises commonly referred to as Las Vegas Village, at 3901
21 South Las Vegas Boulevard, Las Vegas, Nevada 89119, where the Route 91 Harvest
22 Festival was held in September and October 2017.
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25 5. At all relevant times, Defendant LIVE NATION ENTERTAINMENT,
26 INC. (“LIVE NATION”) was a corporation duly licensed and incorporated under
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1 the laws of Delaware, with its principal place of business located in the County of
2 Los Angeles, State of California, and believed to be the concert and event promoter
3 of the Route 91 Harvest Festival at Las Vegas Village in September and October
4 2017.

6 6. At all relevant times, Defendant LIVE NATION GROUP d/b/a
7 ONENATIONGROUP, LLC (“ONENATIONGROUP”) was a limited liability
8 company with minimum contacts in the State of California, duly licensed and
9 incorporated under the laws of Nevada, and believed to be the concern and event
10 promoter of the Route 91 Harvest Festival at the Las Vegas Village in September
11 and October 2017.

15 7. At all relevant times, Defendant CONTEMPORARY SERVICES
16 CORPORATION (“CSC”) was a corporation duly licensed and incorporated under
17 the laws of California, with its principal place of business located in the County of
18 Los Angeles, State of California, and believed to be the concern and event security
19 firm for the Route 91 Harvest Festival at the Las Vegas Village in September and
20 October 2017.

23 8. At all relevant times, STEPHEN PADDOCK (“PADDOCK”) was an
24 individual residing in Clark County, Nevada. PADDOCK was the accused
25 perpetrator of a mass shooting which occurred on October 1, 2017, and which took
26 place from a location within PADDOCK’s hotel room at Mandalay Bay into a crowd

1 of concert-goers at the Las Vegas Village venue. PADDOCK is now deceased,
2 resulting in the need to sue the ESTATE OF STEPHEN PADDOCK.
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4 9. That the true names and capacities whether individual, corporate,
5 associate or otherwise, of the Defendants herein designated as DOES 1 through 100,
6 inclusive, are unknown to Plaintiff at the time of filing this Complaint and, therefore,
7 Plaintiffs sues said Defendants by fictitious names. Plaintiff is informed and
8 believes, and based upon such information and belief, alleges that each of the
9 Defendants designated herein as DOES 1 through 100 is, in some manner and to
10 some extent, legally responsible for the events and happenings herein referred to and
11 proximately caused damages to Plaintiff as herein alleged. Plaintiff will seek leave
12 of Court to amend this Complaint to insert the true names and capacities of such
13 Defendants when same have been ascertained.
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15 10. Plaintiff is informed and believes and thereon alleges that at all times
16 mentioned herein, MGM, MANDALAY CORP. and as-yet unidentified DOES 1
17 through 100 (hereinafter referred to collectively as the "Hotel Defendants") were
18 agents, servants, employees, partners, distributors or joint venturers of each other
19 and that in doing the acts herein alleged, were acting within the course and scope of
20 said agency, employment, partnership, or joint venture. Each and every Defendant
21 aforesaid was acting as a principal and was negligent or grossly negligent in the
22 selection, hiring and training of each and every other Defendant or ratified the
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1 conduct of every other Defendant as an agent, servant, employee or joint venture.
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3 11. Plaintiff is informed and believes and thereon alleges that at all times
4 mentioned herein, MGM, MGM RESORTS FESTIVAL, LIVE NATION,
5 ONENATIONGROUP, CSC and as-yet unidentified DOES 1 through 100
6 (hereinafter referred to collectively as the “Venue Defendants”) were agents,
7 servants, employees, partners, distributors or joint venturers of each other and that
8 in doing the acts herein alleged, were acting within the course and scope of said
9 agency, employment, partnership, or joint venture. Each and every Defendant
10 aforesaid was acting as a principal and was negligent or grossly negligent in the
11 selection, hiring and training of each and every other Defendant or ratified the
12 conduct of every other Defendant as an agent, servant, employee or joint venture.
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14 **GENERAL ALLEGATIONS**
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16 12. Plaintiff realleges and incorporates by reference, every allegation
17 contained in this Complaint, as though set forth fully herein.
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19 13. On October 1, 2017, Plaintiff MS. MAGGIORE was an attendee at the
20 Route 91 Harvest Festival, a three-day music festival featuring numerous artists
21 which took place at the Las Vegas Village.
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23 14. During Jason Aldean’s performance, PADDOCK, opened fire into the
24 crowd, which included MS. MAGGIORE and her husband. PADDOCK fired
25 multiple rounds of ammunition into the crowd of people at the Las Vegas Village
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1 from his hotel suite on the 32nd floor of Mandalay Bay. MS. MAGGIORE and her
2 husband were forced onto the ground and attempted to take cover; MS.
3 MAGGIORE's husband got on top of MS. MAGGIORE to protect her from the gun
4 fire. MS. MAGGIORE was struck by bullet casings/bullet fragments, and people all
5 around her got shot.
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7 15. During an approximately 11-minute stretch of rapid-fire shooting,
8 PADDOCK killed 58 people, and injured hundreds of other concert goers at the Las
9 Vegas Village. Upon information and belief, PADDOCK used bump stocks to fire
10 his weapons rapidly, mimicking automatic fire.
11

12 16. Prior to the shooting, PADDOCK was able to use VIP status conferred
13 on him as a high-stakes gambler, which included exclusive access to a service
14 elevator at Mandalay Bay, to stockpile weapons and ammunition in his hotel suite
15 over the days leading up to the mass shooting. PADDOCK kept a "Do Not Disturb"
16 sign on his hotel room door for days leading up to the shooting. Upon information
17 and belief, prior to the commencement of his shooting spree, PADDOCK installed
18 security cameras on his hotel room door, in a service cart, and in the hallway.
19 PADDOCK used the cameras as surveillance and security to thwart law enforcement
20 and prolong his shooting spree.
21

22 17. PADDOCK smashed two windows of his hotel suit and open fire into
23 the crowd of concert-goers at the Las Vegas Village. PADDOCK also shot
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Mandalay Bay Security Officer Jesus Campos, who was outside PADDOCK's hotel room on the 32nd floor of Mandalay Bay.

18. At all relevant times, Defendants DOES 1 through 100 were as-yet unidentified employees or agents of MGM, MANDALAY CORP., MGM RESORTS FESTIVAL, LIVE NATION, ONENATIONGROUP, CSC, PADDOCK, or some other entity whose acts or omissions are believed to have contributed to the circumstances giving rise to Plaintiff's injuries and damages. Plaintiff shall seek leave to amend this Complaint upon identification of said DOES, and the establishment of the Estate of Stephen Paddock.

CLAIMS FOR RELIEF
NEGLIGENCE – HOTEL DEFENDANTS

Against Defendants MGM, and/or MANDALAY CORP., and/or DOEs 1 through 100

19. Plaintiff incorporates by this reference, every allegation contained in this Complaint, as though set forth fully herein.

20. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100 had a duty of reasonable care in the protection and safeguarding of persons on all Mandalay Bay premises.

21. Based upon information and belief, Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100 breached their duty of reasonable care by failing to maintain the Mandalay Bay premises in a reasonably

1 safe condition, including but not limited to: 1) failing to properly surveil people
2 coming and going from the hotel; 2) failing to monitor the hotel premises with
3 closed-circuit television (CCTV); 3) failing to timely respond or otherwise act upon
4 PADDOCK's shooting of Mandalay Bay Security Officer Jesus Campos, who had
5 gone to the 32nd floor to check on an alert coming from another guest room, and who
6 was shot six minutes prior to PADDOCK's commencement of shooting towards the
7 concert venue; 4) failing to notice or take precautions against PADDOCK's delivery
8 of guns and/or ammunition to his hotel room; 5) failing to adequately prevent or
9 timely discover PADDOCK's breaking-open of his hotel room windows; 6) failing
10 to notice or take action against PADDOCK's set up of surveillance outside his hotel
11 room; 7) failing to adequately prevent or timely discover PADDOCK's opening of
12 his hotel room windows; 8) failing to adequately train and supervise employees on
13 the reporting and discovery of suspicious individuals and/or person and/or activity;
14 8) ignoring the "Do Not Disturb" sign on PADDOCK's door; and 9) failing to
15 employ adequate safety measures.

22 22. Defendants MGM, and/or MANDALAY CORP., and/or DOES 1
23 through 100 are further liable for the negligence of their employees pursuant to the
24 doctrine of *respondeat superior*, and the negligence of their agents under the
25 doctrine of Vicarious Liability.

1 23. At all relevant times, Defendants MGM, and/or MANDALAY CORP.,
2 and/or DOES 1 through 100 knew or should have known that it was reasonably
3 foreseeable that a breach of their duties to keep their premises reasonably safe in the
4 aforementioned manner(s) might result in catastrophic injury and harm to others,
5 including hotel staff, guests, neighboring event attendees and concertgoers, such as
6 MS. MAGGIORE, and the community at large.
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10 24. As a direct and proximate result of Defendant MGM's, and/or
11 MANDALAY CORP.'s, and/or DOES 1 through 100's negligence, Plaintiff MS.
12 MAGGIORE was caused to incur injury to her body and mind, past and future
13 medical expenses, past and future pain and suffering, past and future severe
14 emotional distress, and anticipated lost past and future income.
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17 25. Due to Defendant MGM's, and/or MANDALAY CORP.'s, and/or
18 DOES 1 through 100's negligence in the foregoing respects, Plaintiff MS.
19 MAGGIORE has been required to retain the services of legal counsel and to incur
20 attorney's fees and costs thereby.
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SECOND CLAIM FOR RELIEF

NEGLIGENCE – VENUE DEFENDANTS

25 *Against Defendants MGM, and/or MGM Resorts FESTIVAL, and/or LIVE
26 NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through
27 100*
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1 26. Plaintiff incorporates by this reference, every allegation contained in
2 this Complaint, as though set forth fully herein.
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4 27. At all relevant times, Defendants MGM, and/or MGM RESORTS
5 FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC,
6 and/or DOES 1 through 100, had a duty of reasonable care in the protection and
7 safeguarding of persons on the Las Vegas Village premises where the Route 91
8 Harvest Festival was held in September and October 2017.
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10 28. Based upon information and belief, Defendants MGM, MGM
11 RESORTS FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP,
12 and/or CSC, and/or DOES 1 through 100 breached their duty of reasonable care in
13 the conducting of the aforementioned music festival on the Las Vegas Village
14 premises, including but not limited to: 1) failing to design, build and mark adequate
15 exits in case of emergency; and 2) failing to properly train and supervise employees
16 in an appropriate plan of action in case of a foreseeable event, such as a terrorist
17 attack or other foreseeable emergency.
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19 29. Defendants MGM, MGM RESORTS FESTIVAL, and/or LIVE
20 NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100
21 are further liable for the negligence of their employees pursuant to the doctrine of
22 *respondeat superior*, and the negligence of their agents under the doctrine of
23 Vicarious Liability.
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1 30. At all relevant times, Defendants MGM, MGM RESORTS
2 FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC,
3 and/or DOES 1 through 100, knew or should have known that it was reasonably
4 foreseeable that a breach of their duties to keep their Las Vegas Village concert
5 venue reasonably safe in the aforementioned manner(s) might result in injury and
6 harm to others, including event attendees and concertgoers, such as MS.
7 MAGGIORE.

8 31. As a direct and proximate result of MGM RESORTS FESTIVAL,
9 and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1
10 through 100's negligence, Plaintiff MS. MAGGIORE was caused to incur injury to
11 her body and mind, past and future medical expenses, past and future pain and
12 suffering, past and future severe emotional distress, and past and anticipated future
13 loss of income.

14 32. Due to Defendants MGM, MGM RESORTS FESTIVAL, and/or LIVE
15 NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through
16 100's negligence in the foregoing respects, Plaintiff MS. MAGGIORE has been
17 required to retain the services of legal counsel and to incur attorney's fees and costs
18 thereby.

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26 **THIRD CLAIM FOR RELIEF**
27 **BATTERY**
28 *Against ESTATE OF STEPHEN PADDOCK*

33. Plaintiff incorporates by this reference, every allegation contained in this Complaint, as though set forth fully herein.

34. At all relevant times, PADDOCK intentionally and recklessly committed acts which resulted in offensive contact with MS. MAGGIORE's person, including being struck with bullet fragments. PADDOCK acted with the intent to cause harmful or offensive contact to the crowd of concert-goers at the Route 91 Harvest Festival, including MS. MAGGIORE.

35. As a direct and proximate result of PADDICK's battery upon her, Plaintiff MS. MAGGIORE was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and past and anticipated future loss of income.

36. Due to PADDICK's commission of battery upon her, Plaintiff MS. MAGGIORE has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

THIRD CLAIM FOR RELIEF
ASSAULT
Against ESTATE OF STEPHEN PADDOCK

37. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 47, hereinabove, as though completely set forth herein.

38. With malicious and evil intent, PADDOCK opened fire into the crown

1 of concert-goers at the Route 91 Harvest Festival, intending to cause harmful or
2 offensive contact with concert-goers, including MS. MAGGIORE.
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4 39. As a direct and proximate result of PADDOCK's intentional conduct,
5 Plaintiff MS. MAGGIORE suffered physical, mental, and emotional injuries.
6

7 40. PADDOCK's conduct was a substantial factor in causing the foregoing
8 injuries.
9

10 **FIFTH CLAIM FOR RELIEF**
11 **INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**
12 ***Against ESTATE OF STEPHEN PADDOCK***

13 41. Plaintiff incorporates by this reference all of the allegations of
14 paragraphs 1 through 47, hereinabove, as though completely set forth herein.
15

16 42. With malicious and evil intent, PADDOCK opened fire into the crowd
17 of concert-goers at the Route 91 Harvest Festival, intending to harm thousands of
18 attendees at the concert, including MS. MAGGIORE. PADDOCK's intentional act
19 of firing bullets into the Route 91 Harvest Festival crowd resulted in the MS.
20 MAGGIORE being forced to take cover on the ground under her husband, being hit
21 by bullet fragments and suffering extreme mental and emotional distress impacting
22 her relationship with work, friends, and family.
23

24 43. The foregoing conduct is beyond outrageous and beyond acting with
25 conscious disregard of the probability that MS. MAGGIORE, all other concert
26 attendees, and the neighboring community would suffer emotional distress, knowing
27

1 that the foregoing persons were present when he maliciously and with evil intent,
2 fired bullets into the crown of concert-goers at the Las Vegas Village on October 1,
3 2017. PADDOCK's actions were extreme and exceeded all bounds of behavior
4 tolerated in a civilized society.

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6 44. As a direct and proximate result of PADDOCK's intentional conduct,
7 MS. MAGGIORE suffered severe emotional distress.

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9 45. PADDOCK's conduct was a substantial factor in causing MS.
10 MAGGIORE's emotional distress.

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12 **SIXTH CLAIM FOR RELIEF**
13 **GROSS NEGLIGENCE**

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15 46. Plaintiff incorporates by this reference all of the allegations of
16 paragraphs 1 through 47, hereinabove, as though completely set forth herein.

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18 47. Plaintiff alleges that all acts, conduct and omissions on the part of
19 Defendants, taken singularly or in combination, constitute gross negligence and were
20 the proximate cause of Plaintiff's injuries and damages. Defendants' acts and/or
21 omissions, when viewed objectively from the Defendants' standpoint at the time
22 such acts and/or omissions occurred, involved an extreme degree of risk, considering
23 the probability and magnitude of the potential harm to others. Defendants had actual,
24 subjective awareness of the risk, but proceeded with conscious indifference to the
25 rights, safety and welfare of Plaintiff.

48. Defendants' conduct was reckless and/or done with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiff's injuries and damages.

49. As a direct and proximate result of Defendants aforementioned tortious conduct, Plaintiff MS. MAGGIORE was caused to incur injury to her body and mind, past and future medical expenses, past and future pain and suffering, past and future severe emotional distress, and past and anticipated future loss of income.

50. Due to Defendants' tortious conduct in the foregoing respects, Plaintiff MS. MAGGIORE has been required to retain the services of legal counsel and to incur attorney's fees and costs thereby.

51. That the aforementioned acts were conducted in a wanton, willful, malicious manner, with conscious disregard for Plaintiff's rights and the rights of those similarly situated. The acts of Defendants each of them should be assessed punitive or exemplary damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff MS. MAGGIORE prays for relief in the form of a Judgment in her favor, and against Defendants, and each of them, for damages as follows:

1) For past, present, and future general damages and special damages in an amount in excess of the jurisdictional limits of this Court, according to proof and

1 in accordance with California Code of Civil Procedure section 425.10;

2) For costs of suit, reasonable attorney's fees, and interest;

3) For pre- and post-judgment interest, according to proof;

4) For all statutorily allowed damages, and

5) For such other and further relief as the Court may deem just and

equitable under the circumstances.

DATED this 13th day of June, 2018.

Respectfully submitted,

HILLIARD MARTINEZ GONZALES LLP

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